

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

In re:)
DONNA B. MOHLER and) Case No. 19-60025-7
SEAN M. MOHLER,)
Debtors.)

**ORDER AUTHORIZING SHORT SALE OF REAL PROPERTY FREE AND CLEAR OF
LIENS AND INTERESTS PURSUANT TO 11 U.S.C. § 362 AND CARVE OUT
AGREEMENT BETWEEN SECURED LENDER AND THE ESTATE**

At Butte in said District this 12th day of August, 2019.

Before the Court is the Trustee's Motion to Approve a Short Sale of Real Property Free and Clear of Liens and Interests Pursuant to 11 U.S.C. § 363 and Carve Out Agreement Between Secured Lender and the Estate. Notice of the Trustee's proposed short sale was provided to Debtors and all interested parties. With good cause appearing, the Court hereby finds and orders as follows:

IT IS ORDERED the Trustee's Motion to Approve a Short Sale of Property Free and Clear of Liens and Interests Pursuant to 11 U.S.C. § 363 and Carve Out Agreement Between Secured Lender and the Estate is hereby approved and the Trustee is authorized to sell the below described real property of this estate, free and clear of liens, for the cash sum of THREE HUNDRED SEVENTEEN THOUSAND FIVE HUNDRED DOLLARS (\$317,500.00) to Dylan Anderson and McKenzie Horton, to wit:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CASCADE, STATE OF MONTANA, AND IS DESCRIBED AS FOLLOWS:

LOT 8, BLOCK 2, WATERTOWER PARK ADDITION, TO THE CITY OF GREAT FALLS, LOCATED IN THE NE1/4NE1/4 OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA, ACCORDING TO THE PLAT NO. P-2009-0000007, FILED MARCH 12, 2009, RECORDS OF CASCADE COUNTY, MONTANA.

COMMONLY KNOWN AS 3305 14TH ST NE GREAT FALLS, MT 59404.

IT IS FURTHER ORDERED that the Carve-Out Agreement between Trustee and Mr. Cooper, the Secured Creditor, is hereby approved, and \$15,875.00 of the sales proceeds will be paid to the bankruptcy estate to be paid to unsecured creditors.

IT IS FURTHER ORDERED that Mr. Cooper will pay at closing all closing costs, outstanding real estate taxes, including any prorated amounts due for the current tax year; and the carve out to the Trustee.

IT IS FURTHER ORDERED that the sales proceeds will be paid by the closing agent, Brightline Title, 5405 Cypress Center Drive, Suite 150, Tampa, FL 33609, on behalf of the Trustee as follows: a) all normal and usual selling and closing costs, including the 6% realtor commission to BK Global Real Estate Services (“BK Global”) and REMAX of Great Falls; b) all outstanding taxes and real property assessments against the property; c) the carve-out of \$15,875.00 to the Trustee, d) the balance to the secured creditor Mr. Cooper.

IT IS FURTHER ORDERED that (a) the 14 day stay pursuant to Rule 6004(h) is waived, the sale order is enforceable immediately upon entry, and the Trustee is authorized to close on the sale immediately upon entry of this Order; (b) the Trustee is authorized to take all actions and execute all documents she deems reasonable, necessary and/or desirable to effectuate the sale; (c) the court shall retain sole and exclusive personal subject matter jurisdiction to implement, interpret and enforce the terms of the Motion and this Order; and (d) adjudicate all claims, controversies and/or disputes arising from or related to the proposed sale.

BY THE COURT:



Hon. Benjamin P. Hursh
United States Bankruptcy Court
District of Montana